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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/866,375
Filing Date: May 25, 2001
Appellant(s): YANG ET AL.

MAILED

AUG 13 2007

Technology Center 2100

Ruiguo Yang
Henry Collins
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/01/2007 appealing from the Office action mailed

01/27/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,073,192	Clapp et al.	06-2000
6,483,515	Hanko	11-2002
20030084052	Peterson	05-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office

Action, mailed on 01/27/2006.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 4-9, 12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Clapp et al. [US Patent No 6,073,192], in view of Hanko [US Patent No 6,483,515].

3.   As per claim 1, Clapp discloses the invention substantially as claimed including a method

of remotely controlling, by a server, the formation of an off-screen surface at a client coupled to

the server via a communications network, the method being performed at the server and

comprising the steps of:

instructing the client to select a first memory region for allocation to the off-screen

surface [i.e. select a window and allocate memory for off-screen] [628 and 630, Figure 12;

and col 11, lines 33-41], the first memory region corresponding to a memory coupled to the

client [i.e. local off-screen window buffer] [604, Figure 11].

Clapp does not specifically disclose

transmitting indicia of a graphical data to the client; and

instructing the client to copy the graphical data associated with the indicia to a particular

location within the first memory region.

Hanko discloses

transmitting display information to remote system including the tile image data, number

of repetitions and coordinate data [Abstract; and col 7, lines 10-16]; and

the remote system copying the tile image data into the frame buffer [Abstract; and col 1,

lines 47-55].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Clapp and Hanko because Clapp's teaching of repetitions

information including coordinate data would allow data to be correctly stored for display.

4.   As per claim 2, Clapp discloses specifying a plurality of attributes associated with the

off-screen surface [Figure 10; and col 14, lines 7-23 and lines 47-67].

5.   As per claim 4, Clapp does not specifically disclose wherein the indicia of the graphical

data corresponds to an index, the index identifying a location of the graphical data within a

cache memory coupled to the client. Hanko discloses the replication information includes

coordinate data representing the position of the display area and storing the image data starting

at a location in a frame buffer corresponding to a coordinate location [col 1, lines 47-52; and

col 7, lines 11-15]. It would have been obvious to combine the teaching of Clapp and Hanko

because Hanko's teaching would enable faster access to information to increase system

performance.

6.   As per claim 5, Clapp discloses instructing the client to update an on-screen surface

associated with the client using the copied graphical data in the off-screen surface [i.e. the

active window is brought to the foreground of the display] [col 11, lines 40-45; and col 12,

lines 20-22].

7.   As per claim 6, Clapp discloses storing a duplicate of the off-screen surface in a memory

coupled to the server [606, Figure 11].

8.   As per claim 7, Clapp discloses upon receiving an indication of an error condition,

transmitting at least one portion of the duplicate off-screen surface to the client; and instructing

the client to copy the at least one portion of the duplicate off-screen surface to an on-screen

surface associated with the client [i.e. draw command to update window] [638, Figure 12; col

11, lines 46-64; and col 12, lines 23-36].

9.   As per claim 8, it is rejected for similar reasons as stated above in claim 7. Furthermore,

Clapp discloses instructing the client to select a second memory region; and instructing the

client to copy the graphical data to a particular location within the second memory region [i.e.

double buffering] [col 10, lines 64-col 11, lines 4].

10.   As per claim 9, Clapp discloses wherein the graphical data corresponds to a bitmap [col

11, lines 43-46].

11.   As per claim 12, it is rejected for similar reasons as stated above in claim 1. Furthermore,

Clapp discloses client agent [242, Figure 11] and server agent [262, Figure 11].

12.   As per claim 14, it is rejected for similar reasons as stated above in claim 4.

13.   As per claim 15, it is rejected for similar reasons as stated above in claim 2.

14.   As per claim 16, it is rejected for similar reasons as stated above in claim 6.

15.   As per claim 17, it is rejected for similar reasons as stated above in claim 5. Furthermore,

Clapp discloser discarding the off-screen surface stored within the first memory region upon the

occurrence of an error condition [i.e. overwrite] [col 11, lines 60-64].

16.   As per claim 18, it is rejected for similar reasons as stated above in claim 9.

17.   Claims 3, 10, 11, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Clapp et al. [US Patent No 6,073,192], in view of Hanko [US Patent No 6,483,515], and

further in view of Peterson [US Patent Application No 2003/0084052].

18.   As per claim 3, Clapp and Hanko do not specifically disclose wherein the indicia of the

graphical data corresponds to a fuzzy key, the fuzzy key identifying a location of the graphical

data within a persistent storage memory coupled to the client. Clapp discloses a fuzzy logic

used in searching and retrieving information in database and also a memory tag in a fuzzy logic

system that include descriptors that not only identify and classify but grade or weight the

information [paragraph 0006]. It would have been obvious to a person skill in the art at the

time the invention was made to combine the teaching of Clapp, Hanko and Peterson because

Peterson's teaching of fuzzy logic would provide a way to identify information for correct

update data to maintain its integrity.

19.   As per claim 10, Peterson discloses wherein the graphical data corresponds to a glyph [

paragraph 0096].

20.   As per claim 11, Peterson discloses wherein the graphical data corresponds to a strip [

0115].

21.   As per claim 13, it is rejected for similar reasons as stated above in claim 3.

22.   As per claims 19 and 20, they are rejected for similar reasons as stated above in claims 10

and 11.

(10) Response to Argument

1.   As per remarks, see Argument page 8, Appellant argued that (1) any hypothetical

combination of Clapp and Hanko fails to disclose, teach, or suggest *a server instructing a client*

to select a first memory region for allocation to an off-screen surface as recited in claims 1 and

12.

2.   As to point (1), first, in response to Appellant's arguments, that the references fail to

teach certain features of Appellant's invention, it is noted that the features upon which Appellant

relies (i.e., "a server that instructs the client") are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, the recitation of "a method of remotely controlling, by a server, the formation of an off-

screen surface at a client" has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process steps or

structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15

(CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Then, the question is, broadly and reasonably interpreted, does Clapp disclose,

"instructing the client to select a first memory region for allocation to the off-screen surface"?,

and Examiner finds that it does. Specifically, Clapp teaches a system for communicating with

analog and digital communication channels for transmitting video, audio, and other information

acquired from local conferencing site, and receiving audio and video information from a remote

conferencing site [Figure 7; Abstract; and col 3, lines 14-24]. The Clapp reference shows a

local host computer including a local active window, local off-screen window buffer, and a

remote host computer including a remote active window, and remote off-screen window buffer [

Figure 11]. Then, Clapp discloses *the user selects a local active application window* from the

menu for sharing with a remote conferencing site and the local host computer system *allocates*

an appropriate amount of system memory to accommodate a local off-screen window buffer,

and *then a copy of the pixels or pixel data defining the local active window is transferred to the*

local off-screen window buffer [i.e. instructing a client to select a first memory region for

allocation to an off-screen buffer as claimed] [628-632, Figure 12; and col 11, lines 33-64]. In

addition, Clapp also discloses a full update of pixel data associated with the video image of the

entire local active window as reflected in the local off-screen window buffer [i.e. server] is

initially transmitted over the communication channel and received by the remote audio/visual

communication system [i.e. client] [Figure 11] and *the pixel data associated with the entire*

local active window is first copied to the remote off-screen window buffer [i.e. instructing a

client to select a first memory region for allocation to an off-screen buffer as claimed] [638-

656, Figure 12; and col 12, lines 7-53]. As such, the prior art clearly discloses the claimed

limitation, and renders Appellant's claimed language as written, unpatentable over the prior art

of record.

3.   As per remarks, see Argument page 9, Appellant argued that (2) any hypothetical

combination of Clapp and Hanko fails to disclose, teach, or suggest *a server instructing a client*

to copy the graphical data associated with the indicia to a particular location within the first

memory location as recited in claims 1 and 12.

4.   As to point (2), first, in response to Appellant's arguments, that the references fail to

teach certain features of Appellant's invention, it is noted that the features upon which Appellant

relies (i.e., "a server instructs the client") are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, the recitation of "a method of remotely controlling, by a server, the formation of an off-

screen surface at a client" has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process steps or

structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15

(CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Then, the question is, do Clapp and Hanko disclose, "instructing a client to copy the

graphical data associated with the indicia to a particular location within the first memory

locations"?, and Examiner finds that it does. As mentioned above in point (1), Clapp discloses a

full update of pixel data associated with the video image of the entire local active window as

reflected in the local off-screen window buffer [i.e. server] is initially transmitted over the

communication channel and received by the remote audio/visual communication system [i.e.

client] [Figure 11] and the pixel data associated with the entire local active window is first

copied to the remote off-screen window buffer [638-656, Figure 12; and col 12, lines 7-53].

And as mentioned in the Final Office Action, Clapp does not specifically disclose instructing the

client to copy the graphical data ***associated with the indicia*** to a particular location within the

first memory region. Hanko discloses the host system determining the number of repetitions

area and transmitting display information to the remote system wherein the display information

including the tile image data, and the repetitions information including information representing

a number of repetitions of said tile image data to fill said portion of said display area, and

coordinate data representing the position of the display area on the display device, and the

remote system receiving the display information and performing the steps of ***storing the tile***

image data in a frame buffer starting at a location corresponding to a coordinate location

within the display are relative to said display area coordinate data [i.e. instructing the client to

copy the graphical data associated with the indicia to a particular location within the first

memory region] [col 7, lines 5-27]. As such, the prior art clearly discloses the claimed

limitation, and renders Appellant's claimed language as written, unpatentable over the prior art

of record.

5.   In response to Appellant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, as mentioned above in point (2), Examiner recognizes that Clapp does not

specifically disclose instructing the client to copy the graphical data ***associated with the indicia***

to a particular location within the first memory region. Hanko discloses this limitation [col 7,

lines 5-27], it would have been obvious to a person skill in the art at the time the invention was

made to combine the teaching of Clapp and Hanko because the teaching of Hanko on

transmitting coordinate data representing the position of the display area on the display device

and storing the tile image data in a frame buffer starting at a location corresponding to a

coordinate location within the display are relative to said display area coordinate data would

allow information to be properly position within buffer for displaying to prevent image or data

corruption.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
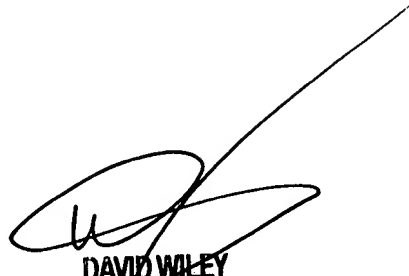
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